

Town Board Minutes

**Meeting
No. 37**

Regular Meeting

December 17, 2007

Town Board Minutes

December 17, 2007

Meeting No.37

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17th day of December 2007 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUT, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

UPON A MOTION DULY MADE BY COUNCIL MEMBER
STEMPIAK, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the
Town Board entered into Executive Session to deliberate on the announced purpose of
discussing a particular personnel matter in the Highway Department.

At 9:34 P.M., the Town Board reconvened with all members present. The
Town Clerk reported that no official actions were taken by the Town Board in Executive
Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- best wishes to Council Member Montour

Chowanice, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- best wishes to Council Member Montour
- site plan of Aldi's on Transit Road south of William Street

Fichtner, Bill, 655 Harris Hill Road, spoke to the Town Board on the following matter:

- conditions at 647 Harris Hill Road

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matter:

- snow plowing of his street

Savatterie, Diane, 289 Stony Road, spoke to the Town Board on the following matter:

- concerns about flooding of Stony Road and Cross Creek Subdivision

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- resolution #1
- Cross Creek Subdivision

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK. TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held December 3, 2007 and the Regular Meeting of the Town Board held December 3, 2007 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL
MEMBER STEMPIAK. TO WIT:

WHEREAS, it is necessary to make various transfers within the 2007 budget
accounts of the Town of Lancaster at the close of Town business on December 31, 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and hereby is
authorized and directed to make such transfers to all over-expended accounts from available funds
in the 2007 Budget, including unappropriated fund balances, upon the close of Town business on
December 31, 2007.

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has determined that certain of the Town's Capital Projects are deemed to be completed, and

WHEREAS, the Town Board wishes to officially close said projects and, where applicable, properly direct the disposition of the unexpended cash balances of these projects,

NOW, THEREFORE, BE IT

RESOLVED, that the Capital Projects listed below are hereby deemed complete and that their respective accounts on the Town's books be closed except that those accounts which are necessary to properly record the liability associated with any and all outstanding debt of the projects and/or subsequent retirement of said debt shall be closed after said debt is retired, and

BE IT FURTHER

RESOLVED, that where applicable, the project cash balances listed below be transferred to the "Reserve for Debt Service" account of the operating fund specified below:

<u>Project Name/Description</u>	<u>Fund No.</u>	<u>Date Authorized</u>	<u>Project Balance</u>	<u>Operating Funds</u>
Sewer Dist. 1 & 2 Rem. Sid.	159	05/23/05	\$ 0.00	Sewer District 2
Highway Equipment	160	09/18/06	10,625.22	Highway Fund - TOV
NYS Archive Grant - Pol	161	n/a	0.00	Police Fund
Construction/Maint. Equip.	163	11/20/06	76.00	General TW & Hwy - TOV

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility on Main Street, Bowmansville, in the Town of Lancaster, on property owned by the Bowmansville Volunteer Fire Association, Inc., for the years 2008 and 2009, and

WHEREAS, the Town Attorney has prepared and filed with the Town Clerk, an Agreement setting forth the terms upon which said recreational area will be utilized by the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Supervisor be and is hereby authorized and directed to execute an Agreement between the Town of Lancaster and the Bowmansville Volunteer Fire Association, Inc. for the Lease by said Association to the Town of Lancaster of its play area on its premises on Main Street, Bowmansville, within the Town of Lancaster, for the operation of the Town's Recreation Program during its normal summer season for the years 2008 and 2009.
2. That the Town Attorney make distribution of the executed copies of said Agreement to the appropriate parties.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER S'EMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster desires to renew the lease at 11 West Main Street, Lancaster, New York for occupancy by the Building Inspector's office for the year commencing January 1, 2008 and ending December 31, 2008, and

WHEREAS, the Town Attorney has advised the Town Board that the owner, Lancaster Village Partnership's current lease is \$1,595 per month, and

WHEREAS, the Town Board has duly considered the renewal of this lease to continue the Building Inspector's office in its present location;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a lease addendum with the Lancaster Village Partnership for renewing the lease at 11 West Main Street for the year commencing January 1, 2008 through December 31, 2008 for occupancy by the Town Building Inspector.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for the operation of a Junior Citizens Club at the Depew Branch of the said Boys and Girls' Club, Inc., which expires according to its terms on December 31, 2007, and

WHEREAS, the said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 2008 Budget for the operation of the Club which includes the Junior Citizens Club programs;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreement on behalf of the Town of Lancaster, which have been drawn and approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

File: juniorecitizensclub1107

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for the operation of a Junior Citizens Club at the Lancaster Branch of the said Boys' and Girls' Club, Inc., which expires according to its terms on December 31, 2007, and

WHEREAS, the said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 2008 Budget for the operation of the Club which includes the Junior Citizens Club programs;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreement on behalf of the Town of Lancaster, which have been drawn and approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

File: rjuniorcitizensclub1107a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO. TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Heather DeSimone**, for a Special Use Permit for a Home Occupation (hair salon) on premises located at 34 Ashwood Court, Lancaster, New York, and the Board issued such Special Use Permit on September 19, 2005, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, Heather DeSimone has requested that the Town Board renew the Special Use Permit for an additional two (2) year period;

**NOW THEREFORE, BE IT
RESOLVED**, as follows:

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Heather DeSimone**, for a Home Occupation (hair salon) on premises located at 34 Ashwood Court, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. Only persons residing on the premises shall be engaged in such an occupation;
- b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure;
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation;
- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot;

- e. There shall be no outdoor sign advertising this business;
- f. This Special Use Permit terminates when the applicant no longer resides on the premises.
- g. Permit must be renewed every two (2) years at no additional cost to applicant.
- h. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
- i. Parking for patrons is limited to applicant's driveway.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has requested that the Town Board authorize him to replace a 1999 Ford F-450 dump truck used in the Highway Department by purchasing a 2008 Chevrolet 4500 cab chassis with options through state bid contractor Joe Basil Chevrolet, Inc., 5111 Transit Road, Depew, New York 14043, with a cost of approximately \$31,988.07, and

WHEREAS, the Town Board has reviewed the request made by the Highway Superintendent and deems it appropriate to authorize such a purchase since a purchase from state bid does not require an invitation to bid pursuant to §103 General Municipal Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Highway Superintendent to make a purchase of a new 2008 Chevrolet 4500 cab chassis with options at the state bid price from Joe Basil Chevrolet, Inc., 5111 Transit Road, Depew, New York 14043.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

File: rhighwaytruck1207

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Highway Superintendent has submitted a proposed Agreement to the Town Board of the Town of Lancaster for the expenditure of highway funds for the year 2008, pursuant to the requirements of the Highway Law of the State of New York, and

WHEREAS, the Highway Superintendent has advised that the allocation of money in the proposed Agreement for general repairs to be carried out includes the cost of labor and materials, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the proposal by the Highway Superintendent;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster does hereby authorize the execution of the proposed Agreement to Spend Town Highway Funds for the year 2008, as submitted by the Superintendent of Highways.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Wm. Schutt and Associates Engineering and Land Surveying, P.C.,
has submitted a proposal for the extension of the Agreement for Professional Services for
Municipal Engineering with the Town of Lancaster, and

WHEREAS, the Town Board has reviewed the proposed extension and deems it to
be in the public interest to enter into an extension of the present agreement with Wm. Schutt and
Associates Engineering and Land Surveying, P.C. to commence on January 1, 2008 and ending
December 31, 2009 with the terms and conditions as are set out in the extension agreement
proposal at a fee to be agreed to by the parties;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the
Supervisor of the Town of Lancaster to enter into an extension of the Agreement for Professional
Services Municipal Engineering with Wm. Schutt and Associates Engineering and Land
Surveying, P.C., 37 Central Avenue, Lancaster, New York 14086-2143 upon the terms and
conditions which are set forth in the proposed extension agreement as submitted to the Town of
Lancaster, said extension to be for a two (2) year period commencing January 1, 2008 and ending
December 31, 2009 at a fee to be agreed to by the parties.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

File: rwnschuttengineeringfirm1207

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility in the Town of Lancaster, on property owned by the Twin District Volunteer Fire Co., Inc., at 4999 William Street in said Town for the years 2008 and 2009, and

WHEREAS, the Town Attorney has prepared and filed with the Town Clerk, an Agreement setting forth the terms upon which such recreational area will be utilized by the Town of Lancaster;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That the Supervisor be and hereby is authorized and directed to execute an Agreement between the Town of Lancaster and the Twin District Volunteer Fire Co., Inc., for the Lease by said Association to the Town of Lancaster of its play area on its premises at 4999 William Street in Lancaster, for the operation of the Town's Recreation Program during its normal summer season for the years of 2008 and 2009, and

2. That the Town Attorney make distribution of executed copies of said Agreement to the appropriate parties.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL.
MEMBER RUFFINO, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster by letter dated December 5, 2007, has requested to upgrade Donald Juliano from a Laborer Grade #1 to Light Equipment Operator due to an unforeseen illness of a highway employee who presently holds the position of Light Equipment Operator.

NOW, THEREFORE, BE IT

RESOLVED, that Donald Juliano be and is hereby upgraded from a Laborer Grade #1 to Light Equipment Operator effective December 17, 2007, continuing to accrue all benefits and salary in accordance with the departmental procedures set forth in the current C.S.E.A. Blue Collar contract.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

File: RPERS.UPG (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief of the Parks, Recreation, and Forestry Department of the Town of Lancaster, by letter dated December 13, 2007, has requested the appointment of Andrew Zalenski, 17 Lake Forest Parkway, Lancaster, New York 14086 to the position of part-time Lifeguard for the fall/winter 2007-08 aquatic program in the Parks & Recreation Department retroactive to December 10, 2007.

NOW, THEREFORE, BE IT

RESOLVED, that Andrew Zalenski, 17 Lake Forest Parkway, Lancaster, New York 14086 be and is hereby appointed to the position of permanent part-time Lifeguard for the fall/winter 2007/08 aquatic program in the Parks & Recreation Department, retroactive to December 10, 2007, at the hourly rate of \$9.00 per hour with no benefits.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 11766 to Claim No. 12061 Inclusive

Total amount hereby authorized to be paid: \$402,936.62

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

15299	All Craft Inc	63 Gale Dr	Er. Res. Add.	
15300	Stiegler, Raymond	32 Fourth Ave	Replace Roof	(V/L)
15301	Kulback's Construction	3919 Walden Ave	Install Doors	
15302	5849 Broadway LLC	5849 Broadway	Er. Apartments	
15303	North Forest Developers	2809 Wehrle Dr	Er. Sign-Wall Suite 4	
15304	North Forest Developers	2821 Wehrle Dr	Er. Sign-Wall Suite 11	
15305	Natale Building Corp	40 Nicholas Ln	Er. Dwlg.-Sin.	
15306	Deltex Electric	8 Greenbriar Dr	Install Generator	
15307	Parco Building Systems	6125 Genesee St	Er. Pole Barn	
15308	Monti, Robert	5813 Broadway	Er. Comm. Add.	
15310	Ryan Homes	6 St Anthony St	Er. Dwlg.-Sin.	
15311	Kulback's Construction	6339 Transit Rd	Er. Comm. Bldg.	
15312	City Fence Inc	57 Briarwood Dr	Er. Fence	(V/L)

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

SUSPENDED RESOLUTION:

Council Member Stempniak requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, a suspension was granted.

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed the Town Ordinance known as Chapter 22, "Sanitary Landfills and Dumping" and more specifically, Section 22-8 entitled "Dumping and Deposition of Materials Outside Permitted Sanitary Landfills" for the purpose of determining what revisions should be made to the ordinance to clarify what constitutes a load and the number of loads that can be deposited for purposes of landscaping which is an activity that is excluded from the requirement of a dumping permit;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Town of Lancaster adopts the following amendment and revision to Town Ordinance Section 22-8 entitled "Dumping and Deposition of Materials Outside Permitted Sanitary Landfills" by deleting Section 22-8 (A) (4) and Section 22-8 (D) (6) and adopting in place thereof the following subsections:

Section 22-8 (A)

(4) For landscaping purposes topsoil may be deposited which does not materially alter the existing grade of the property but in no event shall more than 50 yards of topsoil be deposited under this exception for landscape purposes. No material other than topsoil shall be permitted for such landscaping. In the event that landscaping requirements exceed 50 yards of topsoil or the placement of up to 50 yards will materially alter the existing grade then an application for a dumping permit shall be required as set forth in Section 22-8 D.

And

Section 22-8 (D)

(6) The Town Clerk of the Town of Lancaster shall issue the permit after same has been approved by the Town Board. Such permit shall be valid for one (1) year from the date of issuance.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 17, 2007

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 17th day of December, 2007 the said Town Board will hold a Public Hearing on the 7th day of January, 2008 at 8:30 P.M. o'clock, Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York to hear all interested persons regarding the amendment of Section 22-8, entitled "Dumping and deposition of materials outside permitted sanitary landfills; by deleting Section 22-8 (A) (4) and Section 22-8 (D) (6) and adopting in place thereof a new Section 22-8 (A) (4) and a new Section 22-8 (D) (6) as follows:

Section 22-8 Dumping and deposition of materials outside permitted sanitary landfills.

(A)

- (4)** "For landscaping purposes topsoil may be deposited which does not materially alter the existing grade of the property but in no event shall more than 50 yards of topsoil be deposited under this exception for landscape purposes. No material other than topsoil shall be permitted for such landscaping. In the event that landscaping requirements exceed 50 yards of topsoil or the placement of up to 50 yards will materially alter the existing grade then an application for a dumping permit shall be required as set forth in Section 22-8 D."

Section 22-8

(D)

- (6)** "The Town Clerk of the Town of Lancaster shall issue the permit after same has been approved by the Town Board. Such permit shall be valid for one (1) year from the date of issuance."

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

December 17, 2007

COMMUNICATIONS & REPORTS:

578. Erie County Department of Environment & Planning to Supervisor, Town Board -
Notification of lead agency designation regarding site plan for Transit Commons Retail
Center, 5007-5019 Transit Road; comment and concerns noted. DISPOSITION =
Planning Committee
579. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak
-
Notice from the Town Forestry Department of reserved decision regarding site plan for
Aldi's Food Store, 4937 Transit Road. DISPOSITION = Planning Committee
580. Lisa Norton to Bowmansville Volunteer Fire Association -
Letter of appreciation for assistance at block party. DISPOSITION = Received & Filed
581. Community Development Director, Village of Lancaster to NYS DOT -
Letter regarding configuration of the Central Avenue/Walden Avenue intersection.
DISPOSITION = Received & Filed
582. Town Clerk to Town Board -
Monthly report for November 2007. DISPOSITION = Received & Filed
583. Bee Publications to Town Board -
Request designation as official newspaper for 2008. DISPOSITION = For
Reorganization Meeting
584. Roy Schneggenburger to Town Board -
Request honoring of World War II servicemen Lt. Col. Matt Huber and Col. Archie
Donahue. DISPOSITION = Received & Filed
585. Village of Lancaster to Town Board -
Minutes of meeting held November 26, 2007. DISPOSITION = Received & Filed
586. Highway Superintendent to Town Board -
Request upgrade of Donald Juliano to Light Equipment Operator. DISPOSITION =
Resolution 12/17/2007
587. Lawrence F. Korzeniewski to Supervisor, Town Board -
Request for reappointment to Planning Board. DISPOSITION = For Reorganization
Meeting
588. Mayor, City of Buffalo to Supervisor -
Letter of congratulations. DISPOSITION = Received & Filed
589. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant,
Deputy Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held December 5, 2007. DISPOSITION = Received &
Filed
590. Planning Board to Town Board -
Notice of adjournment of site plan review for Aldi Food Store, 4937 Transit Road to
January 2, 2008 meeting; conditions noted. DISPOSITION = Planning Committee
591. Highway Superintendent to Project Engineer, NYS DOT -
Request to remove projections from roundabout on Freeman Road.
DISPOSITION = Town Attorney
592. Highway Superintendent to Town Board -
Request resolution to purchase truck under state contract. DISPOSITION = Resolution
12/17/2007
593. James M. Hoffinan to Town Clerk -
Letter of concern regarding debris in Ellicott Creek from October 2006 storm.
DISPOSITION = Department of Environmental Conservation & Congressman Reynolds